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VIA ECF

Hon. Alison J. Nathan
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: Citizens Asset Finance, Inc. v. Justice Aviation, LLC, et al., 17-CV-07115-AJN

Your Honor:

This firm represents the plaintiff Citizens Asset Finance, Inc. ("Citizens") in the above-captioned action. We write, at the direction of the Court's Deputy, in order to clarify the Court's intentions with respect to an Order entered on this date.

On December 1, 2017, Citizens filed a motion to dismiss the counterclaim of defendant Justice Aviation, LLC ("Defendant") (Dkt. Nos. 31-32). On December 4, 2017, the Court, pursuant to its Individual Rule of Practice in Civil Cases 3.F, ordered Defendant to notify the Court by December 11, 2017 whether it intended to file an amended pleading or to rely upon the pleading being attacked (Dkt. No. 33).

That deadline passed with no notification to the Court from Defendant. On today's date, the Court entered a further Order (Dkt. No. 34) noting the failure of Defendant to comply with its prior Order and extending the deadline for compliance to December 22, 2017. Pursuant to today's Order, in the absence of such compliance, "the case may be dismissed for failure to prosecute."

We wish to confirm that the Court intends to dismiss Defendant's Counterclaim and not Citizens' Complaint, as it is Defendant—not Citizens—who has failed to comply with the Court's Order.

We thank the Court in advance for turning its attention to this matter.

Respectfully submitted,



Daniel C. Green